APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,678	10/04/2001	Jean-Charles Gonthier	P14708US1	8969

			EXAMINER
27902	7590	03/07/2005	BATES, KEVIN T

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 October 2001_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-47_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-47_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _3/24/2004_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

This Office Action is in response to a communication made on October 4, 2001.

The Declaration was received on December 14, 2001.

The Information Disclosure Statement was received on March 24, 2004.

Claims 1-47 are pending in this application.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-8, 17-18, 21-24, 33, 35-37, 39, and 42-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ciarlante (6594819).

Regarding claims 1 and 17, Ciarlante discloses a method for software deployment in a data communications network (Column 2, lines 18 – 25) that comprises an Initiator having an address (Column 3, line 67 – Column 4, line 4), a Service Provider (Column 3, lines 53 – 57), and at least one Peer having an address (Column 4, lines 44 – 46), the method comprising the steps of: sending a service request comprising the address of the at least one Peer from the Initiator to the Service Provider (Column 4, lines 38 – 50); sending an invitation for the service from the Service Provider to the at least one Peer (Column 4, lines 51 – 53); if the at least one Peer accepts the service, sending an accept service message from the at least one Peer to the Service Provider (Column 4, lines 53 – 55); building by the Service Provider the software for the service; distributing by the Service Provider the software to the

Initiator and the Peer; installing the software by the Initiator; installing the software by

the at least one Peer; and initiating the service (Column 8, lines 26 – 41).

Regarding claim 33, Ciarlante discloses an Initiator of software deployment in a

data communications network (Column 3, line 67 – Column 4, line 4) that further

comprises a Service Provider (Column 3, lines 53 – 57), and at least one Peer having

an address (Column 4, lines 44 – 46), the Initiator comprising: a communication unit

that: sends a service request comprising the address of the at least one Peer to the

Service Provider (Column 4, lines 38 – 50); and receives the software for the service

from the Service Provider; and a processing unit that: installs the software (Column 8,

lines 26 – 41).

Regarding claim 39, Ciarlante discloses a Peer in software deployment in a data

communications network (Column 4, lines 44 – 46) that further comprises an Initiator

(Column 3, line 67 – Column 4, line 4) and a Service Provider (Column 3, lines 53 –

57), wherein the Peer comprises: a communication unit that: receives an invitation from

the Service Provider (Column 4, lines 51 – 53); sends an accept service message to

the Service Provider (Column 4, lines 53 – 55); and receives software from the Service

Provider; and a processing unit that: installs the software (Column 8, lines 26 – 41).

Regarding claim 42, Ciarlante discloses a Service Provider for software

deployment in a data communications network (Column 3, lines 53 – 57), the network

further comprising an Initiator (Column 3, line 67 – Column 4, line 4) and at least one

Peer having an address (Column 4, lines 44 – 46), the Service Provider comprising: a

communication unit that: receives a service request comprising the address of the at

least one Peer from the Initiator (Column 4, lines 44 – 46); sends an invitation to the at

least one Peer (Column 4, lines 51 – 53); receives an accept service message from the

at least one Peer (Column 4, lines 51 – 53); and distributes the software to the Initiator

and the at least one Peer; and a processing unit that: builds the software for the

service (Column 8, lines 26 – 41).

Regarding claims 2, 18, and 43, Ciarlante discloses that prior to the step of

sending an invitation from the Service Provider to the at least one Peer, the step of

registering by the Service Provider the service request (Column 3, line 65 – Column 4,

line 4).

Regarding claims 5, 21, 35, and 44, Ciarlante discloses the steps of: selecting by

the Initiator a service; sending an interface request relating to the selected service from

the Initiator to the Service Provider; sending the requested interface from the Service

Provider to the Initiator; and preparing by the Initiator a service request using the

interface (Column 3, lines 60 – 64).

Regarding claims 6, 22, and 45, Ciarlante discloses the step of authenticating by

the Service Provider the interface request (Column 4, lines 4 – 9).

Regarding claims 7, 23, 36, and 46, Ciarlante discloses the steps of: terminating

the service; and sending a final accounting message from the Initiator to the Service

Provider (Column 4, lines 51 – 62).

Regarding claims 8, 24, 37, and 47, Ciarlante discloses the step of sending at

least one interim accounting message from the Initiator to the Service Provider

(Column 4, lines 51 – 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4, 9-10, 19-20, 25-26, 34, 38, and 40-41 are rejected under 35 U.S.C.

103(a) as being unpatentable over Ciarlante in view of Cheng (6151643).

Regarding claims 3, 19, and 34, Ciarlante does not explicitly indicate the step of

authenticating the software by the Initiator. Cheng discloses a system for installing

software on a computer system or many computer systems that includes the teaching

of authenticating the software (Column 4, lines 1 – 6). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to use Cheng's

teaching and having the computer system authenticate the software in order to protect

from corruption and computer viruses (Column 4, lines 1 – 6).

Regarding claims 4, 20, and 40, Ciarlante does not explicitly indicate the step of

authenticating the software by the at least one Peer. Cheng discloses a system for

installing software on a computer system or many computer systems that includes the

teaching of authenticating the software (Column 4, lines 1 – 6). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to use

Cheng's teaching and having the computer system authenticate the software in order to

protect from corruption and computer viruses (Column 4, lines 1 – 6).

Regarding claims 9, 25, and 38, Ciarlante does not explicitly indicate the step of removing by the Initiator the software. Cheng discloses a system for installing software on a computer system or many computer systems that includes allowing the user to remove the installed software if so desired (Column 5, lines 16 – 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to remove installed software on their system in Ciarlante's system in order to "undo" the changes to the system in case of undesired results or if the software is no longer necessary (Column 3, lines 58 – 63).

Regarding claims 10, 26, and 41, Ciarlante does not explicitly indicate the step of removing by the Peer the software. Cheng discloses a system for installing software on a computer system or many computer systems that includes allowing the user to remove the installed software if so desired (Column 5, lines 16 – 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to remove installed software on their system in Ciarlante's system in order to "undo" the changes to the system in case of undesired results or if the software is no longer necessary (Column 3, lines 58 – 63).

Claims 11-16 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciarlante in view of Saito (6275941).

Regarding claims 11 and 27, Ciarlante discloses that the interface request comprises: the address of the Initiator (Column 7, line 44); a unique identifier for the interface request (Column 7, lines 43 – 45); an indication of the requested service (Column 4, lines 42 – 44), but does not indicate a random number to be used for

authentication; and an electronic signature that authenticates the Initiator to the Service

Provider. Saito discloses an improved way of authenticating a user in service provider

that includes using a random number (Column 16, lines 13 – 20) and an electronic

signature (Column 5, lines 21 – 24). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to use Saito's teaching of improved

security management in Ciarlante's system in order to have the improved security of a

electronic certificate or signature, while maintaining a user id and password

configuration (Column 1, lines 41 – 53).

Regarding claims 13 and 29, the combination of Ciarlante and Saito discloses

that the interface comprises: the unique identifier from the Interface Request (Ciarlante,

Column 7, lines 43 – 45); the requested service interface (Ciarante, Column 4, lines 42

– 44); a random value (Saito, Column 16, lines 13 – 20); a key (Saito, Column 3, lines

38 – 52); an electronic signature that authenticates the Service Provider to the Initiator

(Saito, Column 5, lines 21 – 24).

Regarding claims 14 and 30, the combination of Ciarlante and Saito discloses

that the service request comprises: the unique identifier in the interface request

(Ciarlante, Column 7, lines 43 – 45); a unique identifier for the service request

(Ciarlante, Column 7, lines 43 – 45); an identification of the requested service

(Ciarlante, Column 4, lines 40 – 44); an electronic signature that authenticates the

Initiator to the Service Provider (Saito, Column 5, lines 21 – 24); and a list of at least

one Peer, for each Peer comprising: the address of the Peer (Column 9, lines 31 – 36);

a notification describing the service (Ciarlante, Column 8, lines 35 – 41); an identifier of

the Initiator; the key from the interface; and an electronic signature that authenticates

the Initiator (Column 9, lines 36 – 49).

Regarding claims 16 and 32, the combination of Ciarlante and Saito discloses

the invitation comprises: a unique identifier for the invitation (Ciarlante, Column 7, lines

43 – 45); the identification of the offered service with the configuration options

(Ciarlante, Column 4, lines 25 – 36); an interface; the address of the Initiator; the

identifier of the Initiator (Ciarlante, Column 7, lines 43 – 45); information about who the

Initiator is and what the service is (Ciarlante, Column 7, lines 43 – 50); the key from the

interface (Saito, Column 3, lines 38 – 52); and an electronic signature authenticating

the Initiator to the at least one Peer (Saito, Column 5, lines 21 – 24).

Regarding claims 12 and 28, Ciarlante discloses that the indication of the

requested service comprises options relevant for the presentation of the requested

service (Column 8, lines 35 – 41).

Regarding claims 15 and 31, Ciarlante discloses that the identification of the

requested service comprises configuration options (Column 4, lines 25 – 36).

Prior Art

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U. S. Patent No. 6202206 issued to Dean, because it discloses simultaneous

installation of software.

U. S. Patent No. 6564261 issued to Gudjonsson, because it discloses peers

accepting service invites and installing software plug-ins.

U. S. Patent No. 5835911 issued to Nakagawa, because it discloses the deployment of software and user authentication.

U. S. Patent No. 6212557 issued to Oran, because it discloses installing software on distributed devices.

U. S. Patent No. 5535276 issued to Ganesan, because discloses using digital signatures, security keys, and random numbers to authenticate users.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

March 2, 2005